

THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND

UNITED STATES OF AMERICA :

vs. :

Case No. 8:19-cr-68-PX

KENO ROMARIO BROWN :

Defendant :

**DEFENDANT'S MOTION IN LIMINE AS TO
TESTIMONY INVOLVING THE MURDER OF TRAVIS ENNIS**

COMES NOW, the Defendant, KENO ROMARIO BROWN, by and through counsel, Richard A. Finci, Esquire and the Law Offices of Houlon, Berman, Finci & Levenstein, LLC, and respectfully moves *in Limine* as to certain testimony which the Government may offer at the trial of the above-referenced matter and in support thereof, states as follows:

1. Defendant is charged in an Eight Count Indictment with Conspiracy to commit Wire and Mail Fraud in violation of 18 U.S.C. § 1349 and § 1343, four counts of substantive Wire Fraud in violation of 18 U.S.C. § 1343 (Counts 2-5) and three counts of substantive Mail Fraud in violation of 18 U.S.C. § 1344 (counts 6-8).

2. The Indictment generally alleges that between April 2013 and through at least January 2018, Defendant conspired with Onijah Crighton, Co-conspirator One, and others to defraud elderly victims through a scheme whereby the victims were convinced that they had won cash prizes or sweepstakes from a national magazine publishing company and that they needed to pay taxes and/or fees in advance to receive their prizes. The victims were allegedly contacted via telephone and the mail was used to deliver proceeds. Defendant believes that Co-conspirator One was Travis Ennis, who was charged in a prior Indictment along with a Co-conspirator, Onijah Crighton, before this Honorable Court in case no. PX-17-cr-606.

3. On March 21, 2018, prior to the Indictment of Defendant herein, Travis Ennis was murdered in the District of Columbia. It is Counsel's understanding that this murder continues to

remain unsolved.

4. The Government has never alleged that Defendant had any involvement in this murder nor has Counsel been made aware of any evidence that the murder of Mr. Ennis is related in any way to this case.

5. Counsel can conceive of no relevance of evidence or testimony concerning the fact of Mr. Ennis's murder, nor the circumstances surrounding it to satisfy FRE. 401 (Rule 401 defines relevant evidence as that "having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence."); *see e.g. United States v. Lancaster*, 96 F.3d 734 (4th Cir. 1996) (evidence of assault on defendant that occurred three days after assault in prison for which he was convicted was not relevant to defendant's claim of self-defense since there was no evidence that victim was present during, or associated with, subsequent attack except for fact that assailant was victim's cousin.).

6. Even if the Government proffers a basis in relevance for this testimony, Defendant suggests that the testimony should be excluded under FRE 403 as any probative value would substantially be outweighed by the danger of unfair prejudice to the Defendant. *See e.g. United States v. Lamarr*, 75 F.3d 964 (4th Cir. 1996) (Prosecutors questions to witnesses about the defendant's prior involvement in drugs in trial for conspiracy to distribute cocaine violated Fed. R. Evid. 403 where the question's relationship to the charged conspiracy was tenuous).

7. In this case, prejudice would arise by the jury inferring, believing, or even thinking about whether the Defendant was involved in some manner in the murder of Mr. Ennis. Such considerations have no place in the trial of the above-referenced matter.

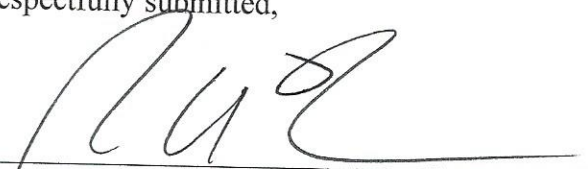
WHEREFORE, Defendant respectfully requests the following relief:

1. That this Honorable Court preclude the Government from introducing evidence of, or any witness mentioning, the fact of or surrounding circumstances regarding the murder of

Travis Ennis.

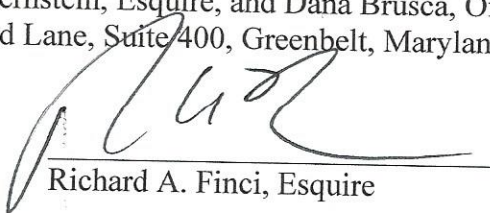
2. Such further and additional relief as justice may require.

Respectfully submitted,


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Counsel for Keno Romario Brown

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 8th day of January, 2020, a copy of the foregoing Motion *in Limine* as to Testimony Involving the Murder of Travis Ennis was served via filing in the electronic filing system to Gregory Bernstein, Esquire, and Dana Brusca, Office of the United States Attorney, 6500 Cherrywood Lane, Suite 400, Greenbelt, Maryland 20770.


Richard A. Finci, Esquire